

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

DEQUE SYSTEMS INC.,

Plaintiff,

v.

**BROWSERSTACK INC.,
BROWSERSTACK LIMITED, and
BROWSERSTACK SOFTWARE PVT.
LTD.,**

Defendants.

Case No.: 1:24-CV-00217-AJT-WEF

**JOINT MOTION TO MODIFY DISCOVERY AND PRE-TRIAL DEADLINES
AND THE PARTIES' PROPOSED JOINT DISCOVERY PLAN**

Pursuant to Federal Rule of Civil Procedure 16(b) and Local Civil Rule 26, Plaintiff Deque Systems Inc. ("Plaintiff" or "Deque") and Defendants BrowserStack Inc. ("BrowserStack US"), BrowserStack Ltd. ("BrowserStack Ireland"), and BrowserStack Software Pvt. Ltd. ("BrowserStack India," collectively, "Defendants" or "BrowserStack") respectfully move the Court for entry of an order for a modest two-month extension of the August 9, 2024 discovery deadline, the August 15, 2024 final pretrial conference, and the discovery schedule set forth in the Parties' Proposed Joint Discovery Plan (Doc. 33).

As good cause for an extension, the Parties state as follows:

1. Plaintiff filed suit against Defendants on February 13, 2024. (Doc. 1.)
2. Defendant BrowserStack US was served on February 15, 2024, making its initial response to the Complaint due March 7, 2024. (Doc. 15.)
3. On February 13, 2024, counsel for Plaintiff engaged with Irish counsel to initiate service on BrowserStack Ireland. As of yet, BrowserStack Ireland has not been served.

4. By Order dated March 20, 2024, the Court granted BrowserStack US an extension up to and including April 8, 2024 to respond to the Complaint. (Doc. 17.)

5. On April 8, 2024, BrowserStack US filed its Motion to Dismiss the Complaint under Rule 12(b)(6). (Doc. 19.)

6. On April 9, 2024, this Court entered a Scheduling Order, setting an Initial Status Conference for May 1, 2024, a discovery completion date of August 9, 2024, and a final pretrial conference for August 15, 2024. The Order further required the parties to submit a joint pretrial discovery plan by April 24, 2024. (Doc. 22.)

7. On April 15, 2024, Plaintiff sent a waiver of service to BrowserStack India.

8. On April 16, 2024, Plaintiff sent a request for service upon BrowserStack India to the Indian Central Authority via the Hague Convention.

9. Pursuant to the Court's April 9 Scheduling Order, the parties, through counsel, conferred on April 18, 2024 regarding discovery and pre-trial issues, including service on BrowserStack Ireland and BrowserStack India, and, on April 24, 2024 (the date the Parties' proposed discovery plan was due), BrowserStack Ireland and BrowserStack India agreed to waive service in exchange for Plaintiff's agreement to consent to a two-month extension of the discovery and pretrial schedule.

10. Accordingly, Plaintiff and BrowserStack US agreed upon and filed a Proposed Joint Discovery Plan consistent with the Court's Order of April 9, 2024, but informing the Court of this forthcoming motion.

11. The Parties agree that, in the interest of judicial efficiency, this matter should proceed against all the BrowserStack entities simultaneously, rather than on the staggered

schedule that may result once formal service is perfected upon each of the foreign entities individually.

12. To accommodate the additional and foreign BrowserStack entities being on the same schedule, the Parties request a two-month extension of the dates in the Scheduling Order and the Proposed Joint Discovery Plan as follows:

Event	Original Date	Requested Date
Deadline to Respond to Complaint (BrowserStack Ireland, BrowserStack India)	---	May 15, 2024
Rule 26(a)(1) Initial Disclosures	May 10, 2024	June 7, 2024
Plaintiff's Expert disclosures	June 7, 2024	August 9, 2024
Defendants' Expert disclosures	July 8, 2024	September 9, 2024
Rebuttal Expert disclosures	July 23, 2024	September 24, 2024
Completion of Discovery	August 9, 2024	October 11, 2024
Dispositive Motions	August 12, 2024	October 14, 2024
Final Pretrial Conference	August 15, 2024	October 17, 2024 at 10:00 a.m.

Accordingly, Plaintiff and Defendants jointly request that the Court grant their motion and enter an order granting a two-month extension of the discovery deadlines and pretrial conference, as set forth above. Attached hereto as Exhibit 1 is a Revised Proposed Joint Discovery Plan with the new dates inserted for the Court's consideration as well as a Proposed Order on the Parties' motion. The Parties waive hearing on their joint motion.

Dated: April 29, 2024

Respectfully submitted,

/s/ Charles W. Chotvacs

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